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**UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF NEW YORK**

-----X

XTREME MOBILE INC.,

Docket No.: 07 CV 9528

Plaintiff,

-against-

DETROIT PHONE CARDS INC. D/B/A
OMOBILE,

Defendant.

-----X

DEFENDANT'S RULE 26(a)(1) INITIAL DISCLOSURES

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, the undersigned counsel for the defendant Detroit Phone Cards Inc. d/b/a/ Omobile ("Omobile"), makes the following initial disclosures based on information reasonably available at this time. Omobile reserves its right to supplement or correct these disclosures upon continuing investigation and discovery.

Omobile's initial disclosures are also made without waiving in any way: (1) the right to object on the grounds of competency, privilege, relevancy materiality, hearsay, or any other proper ground, to the use of this information, for any purpose, in whole or in part, in any subsequent proceeding in this action or any other action; and (2) the right to object on any grounds, at any time, to any other discovery request or proceeding involving or relating to the

subject matter of these disclosures. All the disclosures set forth below are made subject to the above objections and qualifications.

I. Fed. R.Civ.P.26(a)(1)(A)

Individuals likely to have discoverable information relevant to disputed facts and defenses: Any individuals listed below as "c/o Defendant's Counsel" are represented by Omobile's counsel, Allyn & Fortuna, LLP, and therefore should only be contacted through counsel. Any individuals listed below as "c/o Plaintiff's Counsel" are believed to be affiliated with Plaintiff and/or represented by Cohen & Gressler LLP.

1. Rami Chahine
Various customer services managers
c/o Omobile's Counsel
200 Madison Avenue, 5th Floor
New York, New York 10016
(212) 916-3219
May possess discoverable information regarding the contract(s) at issue, goods and services provided by Phonetec, invoicing history, Omobile's payment history, interactions and meetings between Omobile and Phonetec, interactions and meetings between Omobile and Xtreme, the disconnection of service to Omobile, advertisements, solicitations, and statements made about and/or relating to Omobile, the nature of Omobile's business, Omobile's loss of business caused by Xtreme's conduct, Omobile's customers and subscribers, Omobile's intellectual property, including Omobile's marks, Omobile's reputation and good will.
2. Craig Lisbon
Kevin Powers
Various unknown employees, agents, affiliates, directors, officers, and shareholders of Xtreme Mobile, Inc.
c/o Plaintiff's counsel
Though likely to have discoverable information, the scope of such information is unknown.
3. Various unknown employees, agents, affiliates, directors, officers and shareholders of Phonetec
Though likely to have discoverable information, the scope of such information is unknown.
4. Various unknown employees, agents, affiliates, directors, officers and shareholders of Easy Street PCS

Though likely to have discoverable information, the scope of such information is unknown.

5. Omobile Resellers

1 PAGE CALL
14 IN & OUT PARTY STORE
1 INTERSTATE COMMUNICATIONS
1ST PREMIERE COMMUNICATIONS
2 STAY-IN-TOUCH
6 MILE LIVERNOIS
99 PLUS X-PRESS
A&J MARATHON
A&L COMMUNICATION
A&R TELECOM
A&R TELECOM OMOBILE ACCOUNT
A PIECE OF CULTURE
A&L MARKET
A1 BEEP AND CASH
ABC COMM
ABDO SALEH
ABE COMMUNICATIONS
ABSOLUTELY WIRELESS
ACME COMMUNICATIONS NETWORK
ACTION LINE COM.
ADAM'S MARKET INC
ADVANCED COMM (DETROIT)
AHZ WIRELESS
AIR COMM
AIR NET COMMUNICATIONS
AIRDIGITAL CELLULAR, INC
AIRTEL WIRELESS
AL'S RECORDS BEEPER
AL HASANIN INC
AL JABERY
AL QUDUS HALAL MARKET
ALL STAR BRANKEL
ALTP ELECTRONICS, USA
AMANI BASHIGE
AMBE SPORTS CARDS, INC
AMERICA WHOLESALE, INC
AMERICAN CELLULAR
AMERICAN PREPAID
AMERICAN WIRELESS CUSTOMER
AMINATA SAVANE
ANDREW NATHAN

ANE ENTERPRISES INC.
ANNA'S GIFT SHOP
ARC-1 COMMUNICATIONS
AROVA DISCOUNT STORE
ART COMMUNICATION
ATLAS COMMUNICATION
B.P. ANN ARBOR
BALLY COMMUNICATION
BARGAIN PAGERS
BARRY ELECTRONICS
BARTOW SERVICE
BATAS Y BOTINES JOANNA
BAYPOINT BUSINESS
BBC COMMUNICATIONS
BEEP SMART INC
BEEPERLAND LLC
BEER WAGON
BEST STOP INC
BEST STOP WIRELESS
BEYOND WIRELESS
BIG APPLE WIRELESS
BLUE SUN TELECOM
BOTTOMS UP
BROADPIPE COMMUNICATIONS
BROADWAY FASHION
BUZZ COMMUNICATIONS
C&S PETRO
CA ALLIANCE TELECOMMUNICATION, INC
CALLS R US.COM
CANTON PETROLEUM
CARMEN'S DELI
CELL SOURCES INC
CELL4LESS
CELLULAR CENTERS
CELLULAR PAGER DEPOT INC
CELLULAR WAREHOUSE INC
CELLULAR WORLD
CELTECH
CELLULARES PEPE
CHAHINE TELCOM
CHARLTON COOK
CHERICA DRAKE
CHERRY HILL MERRIMAN
CITY 2 CITY COMMUNICATIONS
CITY CHECK CASHING
CITY TO CITY COMMUNICATIONS EAST

CLARK POINT HURON
CMC PAGING
COLVIN MARKETING
COMMUNICATION UNLIMITED
COSMOS
CRAFT AUDIO
CUSTOMER SERVICE
CWI
DATASTREAM GROUP, INC
DC CELLULAR
DEALER SUPPORT NETWORK ENTERPRISES
DEBCOM
DEMETRIUS GORDON
DIAMOND COMM
DIGITAL 2000
DIGITAL LINK
DIGITAL&TOBACCO PLUS
DIRECT CONNECTION
DIRECT MAIL & WIRELESS
DJ ACCOUNT
DL CELLULAR
DNM DISTRIBUTING
DOLLAR KING
DOLLAR MANIA
DOLLAR STRETCHER INC
DOLLAR TOWN INC
DOLLARMOON PLUS SMOKESHOP
DOVER VIDEO STORE
DOWNTOWN FINANCIAL CENTER
DOWNTOWN WIRELESS
DPC DELIVERIES
DTI COMM
DYNASTY SHELL
E-TIME SYSTEM
EARL LEE WALKER
EASY & KOSH INC
EASY PICK
EL CASTILLO DE ORO INC
ELLYN JOE MCHUGH
ERENDIRA
EXECUTIVE TV
EXPRESS PHONE CARDS
EXPRESS TELECOM
EXTRA TOUCH WIRELESS
EZ & KOSH OMOBILE (PHONES & OMCARDS)
EZ COM INC

EZ GO WIRELESS INC
EZ LINK TELECOM
F&R PHONE CARDS INC
FEEL IN ME FASHION
FLIP PHONES COMMUNICATIONS
FREE WIRELESS 2
FREEWAY COMMUNICATIONS
FRONT PAGE WIRELESS
FUTURE WIRELESS
G-COMMUNICATIONS
GALAXY WHOLESALE
GAMUT ENTERPRISE
GATEWAY MILLENIUM INC
GIANT COMMUNICATION
GIP-PES INT
GLOBAL COM TOLEDO
GLOBAL COMMUNICATION
GLOBAL NETWORK
GOLDEN STAR CELLULAR
GREAT WIRELESS
GREEN FLARES CORP
GREENLAND GROCERY
GUADALAJARA MULTI-SERVICE, INC
H & A WIRELESS
H & K
HANUL TRADING INC
HECTOR'S MENS WEAR
HEET WIRELESS INC
HI-TECH WIRELESS
IMDBA.PAGE PLUS
IN-OUT
IN STYLE COMMUNICATIONS
INDIANA PREPAID SERVICES, INC
INKSTER CONSUMER CENTER
INKSTER FUEL
INTERNATIONAL TELECOMMUNICATION GROUP
INTERSTATE COMM #3
INTERSTATE COMMUNICATION
IVON BAILY
JADO'S
JAIME AND LAURA LOPEZ
JALAPENO RESTAURANT
JAMAL BAZZI
JAMAL YALLDO
JAWAD
JB'S OUTLET EXPRESS AND PAWN SHOP

JENIN PHONE CARD
JIMMY PHONE CARDS
JOSE RAPHAEL GONZALES
JUAN VILLALOBOS
K & M TELECOM
KARIM
KEGGERS PARTY SHOP
KELIAS INC
KEYSTONE TELECOM
LB COMM
LA TIENDA LATINA 2LLC
LAS VEGAS COMM
LAURI ENDERSON
LEADER WIRELESS
LEEN PHONE CARD
LEGEND WIRELESS INC
LEON PARTY STORE
LIBERTY
LINK COMMUNICATION
LION WIRELESS
LIQUOR BOTTLE
LIQUOR & CO. DBA (PAGE COMM)
LITTLE SPORTS
LORENZO'S MEXICAN PRODUCTS
LOS BROTHERS CAR AUDIO MULTI SERVICE
M N PHONE CARD, INC
M & A MINIMART, INC
M & M WIRELESS UP
MAINLINE WIRELESS
MAINSTREET WIRELESS
MAJOR WIRELESS
MARATHON FORD
MARATHON HILTON & 10 MILE
MARATHON SIX & HUBBELL
MARCECO LIMITED
MARLOWE WOODS
MARVIN FLUELLEN
MAZEN ENTERPRISES
MBZ INC PHONE CARDS
MCI CELLULAR INC
MEGA PAGE AND CELLULAR
MEGABYTE
MEK NY
MHANNA INC
MICHAEL SALEM
MICHIGAN PHONE CARD

MICHIGAN PHONE CARD (OMOBILE)
MICHIGAN WIRELESS
MIGHTY WIRELESS
MIKE'S MINI MART
MIKES PAGETELL
MILLENIUM WIRELESS
MILLENIUM TELECOM
MISHMUSH INC
MOBILFON
MOHID DIAL WORLD
MOJANE
MOTOR CITY PARTY STORE
MOTOR CITY PHONE CARDS
MR. KING
MS DISTRIBUTORS
MULAN DOLLAR STORE
N&F WIRELESS
NV WIRELESS
NASIM SALEM
NASRI
NATIONAL WIRELESS
NATIONWIDE CELLULAR
NEW PAGE TEL
NEW PAGE TEL 32
NEW YORK STYLES
NEXUS COMMUNICATIONS
NICKCELLULAR
NIDAL KAMOUNI
NINO SAVAYA
NIZAR MSHEIK
NUAXCESS WIRELESS
O-MOBILE SERVICES
O MOBILE DELIVERIES
OBLIO TELECOM INC
ODAI KHAZENDAR
OMAR MESLMANI
OMARI DILLARD
ONE DOLLAR PLUS WI
ONE STOP COMM.
ONE TOUCH INC
ONESTOP WIRELESS
ORO FINO
OSCAR ELECTRONICS
OTTO
OWNER ACCOUNT
PC WIRELESS

PAGE-TEL #77
PAGE 2 CELLULAR
PAGE CELL
PAGE ME
PAGECALL
PAGEPLUS OF MICHIGAN
PAGER'S PLUS ONE
PAGETELL IN GREENFIELD
PAWN SHOP
PAYLESS MARKET/WISCONSIN
PCS INC
PCS NOW
PERSONAL COMMUNICATIONS
PIED PIPER
PLANET CALLING CARD INC
PLUMB JEWELRY
POPULAR ELECTRONICS
POPULAR ELEMENTS
POSA SYSTEMS
POSTAL & COPIES
PPC
PRE-PAID UNLIMITED
PREFERRED WIRELESS
PREMIER EXPRESS
PROMO \$29.99
PROMOTION "LUCKY 7"
Q-COM INTERNATIONAL INC
QUALITY WIRELESS
QUICK CASH
QUICK COMM
QUICKPAGE COMMUNICATIONS
R U READY COMM
RAJ
REAL DEALS COMM
RETAIL COUNTER
RGN
RIBAL SERVICES
RICHARD V MULLINGS DBA PAGE 1 CELLULAR
ROMULUS CITY DRUGS
S & N COM
S AND M VIDEO 1
S PARK LLC
SAKAINAH SALEH
SANTIAGO FOOD MARKET & AUTO WASH
SBW COMMUNICATION
SECOND CHANCE

SHELLISA LENZLY
SHOOZ N MORE
SHOW TIME VIDEO & CELLULAR
SIBLEY & ALLEN
SIMPLICITY WIRELESS
SIMPLY CELLULAR
SKY WIRELESS
SKYLIGHT WIRELESS
SKYLINK WIRELESS
SMART CARD SERVICES, INC
SMARTWAY COM INC
SNOWHILL COMM
SOLO WIRELESS
SPEEDY COMMUNICATION
SPEEDY WHOLESALE
ST. LOUIS IMPORTS
STAR COMMUNICATION
STATELINE WIRELESS
STYLES
SUN INVESTMENT COMPANY
SUNOCO PERRY
SUPER DOLLAR MART
SUPER GREENLAND
SUPER STAR
T&J COMMUNICATIONS
TAMTEL POSA, INC
TAREK OBEID
TCS WIRELESS
TECNOLOGIA AGUILAR
TELLUS COMMUNICATIONS
TELMAXX
TESTING ACCOUNT
THE OBVERSE INC
TOMBOY COMM
TPC OF MICHICAN INC
TRABHUGI TELECOM, INC
TRISHA REESE
TUCASA DEORO
ULTIMATE PAGE
UNCLE JIMS TELECOM
UNITED DIGITAL
UNITED WIRELESS OF PONTIAC
UNIVERSAL FLAVOR LLC
UNIVERSAL WIRELESS
UNLIMITED COMMUNICATIONS
UNWIRED

UPSTATE TELEPHONE
USA CONNECTION
USA TELECOM
VALUE DOLLAR
VANBORN FUEL
VANBORN & DIESEL
VIA ONE TECHNOLOGIES, INC
VIDEO HOUSE
VIP WHOLESALE
VIZON WIRELESS
VOICETOUCH CELLULAR
WI TOUCH
WALEED ABUSSAUD
WASHTENAW MARATHON
WAYNE CITGO
WCDI(WEST COAST DISTRIBUTION)
WEBSITE
WH PHONE CARD
WILLIAM SILER
WIRELESS DEPOT
WIRELESS ETC
WIRELESS FOR YOU!
WIRELESS GALAXY
WIRELESS GIANT
WIRELESS GIANT GRAND RAPIDS
WIRELESS LAND
WIRELESS PLUS COMMUNICATION LLC
WIRELESS WAREHOUSE
WIRELESS WIZARD
WIRELINK
WIXOM WIRELESS
WORLD ACCESS MI
WORLD PHONE CARD
WORLD TRADING CO
WORLDWIDE/DARRLY
WORLDNET IP
WUC WIRELESS
Y-COMM WIRELESS, INC
YAHOO WIRELESS
YO-YO'S
YOUR CHOICE PHONE CARDS
Z. COMM COMMUNICATIONS
ZONE WIRELESS
ZOOM

II. Fed. R.Civ.P.26(a)(1)(B)

A description by category and location of, all documents, data compilations, and tangible things that are in plaintiff's possession, custody or control which the party may use to support its claims:

- Contractual agreement between Phonetec and Omobile (located at the office of defendant's counsel, at defendant's corporate office and with the plaintiff).
- Correspondence between the parties and non-parties such as Phonetec, various Omobile dealers and Omobile customers (located at the office of defendant's counsel, at defendant's corporate office and with the plaintiff).
- Omobile dealer information (located at the office of defendant's counsel and at defendant's corporate office).
- Advertising material for Omobile, Xtreme and Phonetec (located at the office of defendant's counsel, at defendant's corporate office, with the plaintiff and with non-party Phonetec).
- Website information from Omobile, Xtreme, Phonetec and Easy Street PCS (located at the office of defendant's counsel, at defendant's corporate office, with the plaintiff and with non-party Easy Street PCS).
- Omobile sales history, sales data, billing reports, vendor purchase data, and other miscellaneous financial documentation and data (located at the office of defendant's counsel and at defendant's corporate office).

III. Fed. R.Civ.P.26(a)(1)(C)

Computation of damages:

As defendant is unable at this time to calculate the precise damages, defendant reserves its right to supplement this damages calculation once defendant has taken discovery in this matter.

Defendant is entitled to all compensatory damages. At this time, a calculation of defendant's compensatory damages is premature as such a calculation requires discovery as to the value of including plaintiff's revenue and profits from their actionable conduct.

Defendant is also entitled to reasonable attorney's fees, costs and punitive damages as a result of plaintiff's actionable conduct.

IV. Fed. R.Civ.P.26(a)(1)(D)

Plaintiff is unaware of any insurance policy pertinent to this case.

Dated: New York, New York
January 11, 2008

Respectfully submitted,

ALLYN & FORTUNA LLP

By: 

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